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October 23, 2008

VIA FACSIMILE (718) 613-2125

Honorable Ramon E. Reyes, Jr.
United States District Court
225 Cadman Plaza East, Rm 263
Brooklyn, New York 11201

Re: Testa v. Hartford Life Ins. Co. and Marsh & McLennan Companies, Inc.
U.S. D. Ct., E.D.N.Y. 08 Civ. 816 (FB) (RER)

Dear Judge Reyes:

We represent the Plaintiff, Josephine Testa.

Plaintiff writes this letter to request that the discovery deadline of November 21, 2008 be extended by 7 weeks or to January 9, 2009. Plaintiff further requests that the November 26, 2008 telephone call with the Court be adjourned to a date after January 9, 2009.

By way of background, on August 13, 2008, Your Honor held a telephone conference with the parties regarding the scope of discovery. At the Conference, the Court issued an Order that the parties meet and confer and complete discovery by November 21, 2008. The Court further Ordered a follow up telephone conference call for November 26, 2008.

The parties met and conferred in person on September 11, 2008. On October 10, 2008, Defendant, Marsh & McLennan Companies produced some documents and have agreed on additional discovery and depositions. Furthermore, on October 10, 2008, Defendant Marsh & McLennan Companies agreed to produce additional material subject to a confidentiality agreement for which Plaintiff is still awaiting a proposed draft. To date, Defendant Hartford has agreed to produce additional documents, however, Hartford refuses to produce such material until a confidentiality agreement is in place.

Finally, the parties attempted to agree upon the scope of discovery today, however, since the parties could not agree as to the complete scope of discovery, Plaintiff served formal discovery demands today which afford the Defendants thirty (30) days to respond.

Under the current Scheduling Order, discovery is set to close on November 21, 2008. Plaintiff requests that all dates in the Original Scheduling Order be extended an additional 7 weeks or to January 9, 2009.



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Defendant Hartford has consented to this request. Defendant, Marsh & McLennan Companies has not taken any position at this time.

Plaintiff respectfully urges that this constitutes good cause to amend the Order.

Respectfully Submitted,

FRANKEL & NEWFIELD, P.C.

By:


Justin C. Frankel (JF5983)

JCF:jpm

cc: *Kevin G. Horbatiuk, Esq. & Natan Hamerman, Esq. (via Facsimile)*